



March 4, 2010

VIA ELECTRONIC FILING

Sharon Gillett
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, TW-A325
Washington D.C. 20554

Re: WC Docket 09-197; Request to Amend Compliance Plan

Dear Ms. Gillett:

By this letter, Virgin Mobile USA, L.P. ("Virgin Mobile" or the "Company") requests approval to amend its plan to comply with the conditions imposed on the Company in the recent grant of limited eligible telecommunications carrier ("ETC") designation for the states of New York, North Carolina, Tennessee and Virginia.

The current application process imposes a delay between a prospective customer's request for an application and the opportunity to complete and verify the form. Unfortunately, many legitimate customers find it too difficult to pursue an extended process to obtain essential wireless services. The procedures described below would address the needs of lower-income customers by making the enrollment and verification process more straightforward, ensuring that all applications are carefully reviewed and efficiently processed.

Virgin Mobile seeks to substantially improve the methods by which customers can enroll for Lifeline services, which the Company believes are consistent with the compliance plan the Commission previously approved, and it respectfully requests that the Wireline Competition Bureau expeditiously approve this request.

I. BACKGROUND

In the *ETC Designation Order*, the Commission required Virgin Mobile to submit a plan describing the measures it would undertake to implement each of the conditions

imposed on the Company's ETC designations for the states of New York, North Carolina, Tennessee and Virginia.¹ Included among these conditions was a requirement that the Company certify customers' initial eligibility for receipt of Lifeline services. To safeguard against misuse of Lifeline services, the *ETC Designation Order* expressly required Virgin Mobile to have "direct contact with the consumer, whether by telephone, fax, Internet, in-person consultation or otherwise, when establishing initial and continued eligibility."² The Commission also directed Virgin Mobile to have its Lifeline customers self-certify under penalty of perjury upon service activation and annually thereafter that they are the head of their household and only receive Lifeline-supported service from Virgin Mobile.³

Virgin Mobile's compliance plan, which it filed with the Commission on April 3, 2009, described the measures the Company would undertake to comply with these requirements. The Bureau approved all components of the plan by order dated October 29, 2009.⁴

II. DISCUSSION

Virgin Mobile seeks to supplement its compliance plan with two additional methods by which customers can activate their Lifeline accounts. As discussed below, each of these activation methods fully complies with the requirements set forth in the *ETC Designation Order* regarding certification of a customer's eligibility for Lifeline services.

A. Online Enrollment

Under this method of enrollment, consumers will access the application for their state through a secure website and complete the application online. Applicants will be required to provide all of the information currently required under existing enrollment procedures, including their name, residential address and relevant eligibility criteria. The online enrollment form will also include a section for applicants to electronically sign the application and explicitly certify under penalty of perjury that they are head of the household and receive Lifeline service only from Assurance Wireless by Virgin Mobile. As required by the *ETC Designation Order*, the penalties for perjury will be clearly stated on the enrollment form. Completed enrollment forms will be electronically presented for final

¹ See *Federal-State Joint Board on Universal Service; In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); Petitions for Designation as an Eligible Telecommunications Carrier in the States of New York, North Carolina, Pennsylvania, Tennessee and Virginia*, Order, FCC 09-18 (rel. March 5, 2009) ("ETC Designation Order").

² *Id.* at ¶ 26.

³ See *id.* at ¶ 12.

⁴ See *Federal-State Joint Board on Universal Service; In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); Petitions for Designation as an Eligible Telecommunications Carrier in the States of New York, North Carolina, Pennsylvania, Tennessee and Virginia*, Order, DA 09-2344 (rel. Oct. 29, 2009).

review by applicants and, upon certification under penalty of perjury, electronically submitted by applicants to Virgin Mobile. Review of all electronically submitted application forms and relevant documentation will be performed under Virgin Mobile's supervision by managers experienced in the administration of the Lifeline program.

Consistent with existing procedures, Virgin Mobile will incorporate the information provided by applicants into its Lifeline account management system. The Company will check the name and address of each Lifeline applicant against its internal account management system to confirm that a Virgin Mobile Lifeline account has not already been activated for that address or individual. Virgin Mobile will also confirm that the address provided by the applicant is an actual U.S. postal address through the use of address validation software. If a name or address submitted by a Lifeline applicant is associated with a customer that already receives Virgin Mobile Lifeline service or the address provided is not a valid U.S. postal address, Virgin Mobile will review the application to ascertain whether the customer is attempting to activate multiple Virgin Mobile Lifeline accounts. The Company will deny the application of any such individual and advise the applicant of the basis for the denial. Virgin Mobile will mail completed enrollment forms to the customer for her records.

B. Telephone Enrollment

Under this enrollment method, applicants for Lifeline service will request or complete an enrollment form by contacting a toll-free telephone number established by the Company. Applicants will be required to provide all of the information currently required under existing enrollment procedures, including their name, residential address and relevant eligibility criteria. Upon completion of the enrollment form, the prospective customer will be required to certify under penalty of perjury, which will be recorded and saved as a record of the application, that the information they have provided is accurate and that they are head of the household and that they receive Lifeline service only from Virgin Mobile.⁵ The penalties of perjury will be provided to the customer prior to the customer's voice certification. Prospective customers will be informed that they can speak to a live operator if they have questions regarding the enrollment process, their certification or any other aspect of Lifeline services. Review of all information provided by customers through voice recording and push-button confirmation will be performed under Virgin Mobile's supervision by managers experienced in the administration of the Lifeline program. The Company will utilize the procedures described above to confirm that a Virgin Mobile Lifeline account has not already been activated for that address or individual, and will deny any requests for service involving duplicate information. Once the customer's information has been confirmed, a completed application will be sent to the customer for his records.

⁵ While wireless providers are exempt from the Commission's regulations governing changes in a customer's preferred telecommunications services provider, Virgin Mobile notes that the procedures described herein for verification via live operator or IVR generally accord with these requirements. *See* 47 C.F.R. § 64.1100 *et seq.*

Ms. Sharon Gillett
Page 4 of 4
March 4, 2010

III. CONCLUSION

Virgin Mobile submits that the enrollment methods described above fully comply with the conditions imposed in the *ETC Designation Order*. By providing additional methods for customers to activate their prepaid Lifeline accounts, Virgin Mobile seeks to address the needs of prospective lower-income customers. Indeed, implementation of these enrollment procedures would increase opportunities for the Company to serve lower-income customers by making the customer enrollment and verification process more efficient and reducing the administrative costs of providing these services.

Accordingly, Virgin respectfully requests that the Bureau promptly approve the enrollment methods described herein so that the Company can quickly implement them and deploy much-needed wireless Lifeline services during this challenging economic period that is forcing many lower-income customers to forego wireless service altogether.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Lurie', is positioned above the typed name and title.

Peter Lurie
Senior Vice President
Virgin Mobile USA, L.P.
10 Independence Blvd.
Warren, NJ 07059